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C O N F I D E N T I A L SECTION 01 OF 02 BEIJING 001265

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STATE FOR EAP/CM, DRL
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E.O. 12958: DECL: 04/03/2033
TAGS: [PHUM](#) [PREL](#) [PGOV](#) [CH](#)
SUBJECT: HUMAN RIGHTS: HU JIA SENTENCED TO THREE AND A HALF
YEARS IN PRISON

REF: BEIJING 1025 AND PREVIOUS

Classified By: Political Minister Counselor Aubrey Carlson.
Reasons 1.4 (b) and (d).

11. (C) Summary: Amid tight security, a Beijing court on April 3 sentenced rights activist Hu Jia to three and a half years in prison, with deprivation of political rights for an additional year. PolOff and nearly a dozen third-country diplomats were denied entry into the court to observe the trial, although Hu Jia's family members did attend. Amcit rights activist John Kamm (protect) told PolOff April 3 that proceedings against Hu Jia have been conducted with "remarkable speed" and that Hu's sentence is "within the average range" for sentences in similar cases, even though the verdict could have been much worse given the "inciting subversion" charge. Kamm told us Chinese officials told him ahead of the verdict that China could not make any "concessions" in Hu Jia's case because Western countries would see this as a "sign of weakness." End summary.

Hu Sentenced; Diplomats and Journalists Denied Entr

12. (C) On April 3, Beijing's No. 1 Intermediate Court sentenced rights activist Hu Jia to three years and six months' imprisonment and an additional one year's deprivation of political rights for "inciting subversion of state power." A court employee refused to admit PolOff and representatives from ten other nations and the European Union to the proceedings, claiming that he had "already given out all of the tickets." Journalists were likewise barred from attending the sentencing proceeding, even though Chinese law requires that all such proceedings be "open." Hu Jia's lawyer Li Fangping told PolOff on April 3 that Hu Jia's wife, activist Zeng Jinyan, and parents attended the half-hour sentencing hearing. Hu Jia reportedly told the court he will not appeal the verdict, although Li told journalists and diplomats that a decision whether to appeal has not yet been made.

Hu Jia's Sentence "Average"; China: No "Concessions"

13. (C) Amcit rights activist and head of the Duihua Foundation John Kamm (protect), who is in Beijing for meetings with Chinese officials, told PolOff on April 3 that the 98 days from detention (December 27, 2007) to sentencing in Hu Jia's case is the shortest period Kamm has ever recorded, with the average length being 227 days. Although Lawyer Li Fangping told journalists and diplomats on March 18 that he expected a sentence of five years or possibly even more given the seriousness of the charges, Kamm told PolOff that Hu Jia's three-and-a-half-year sentence is "within the

average range" for sentences in similar cases. Kamm told us that Chinese officials told him earlier this week that China could not make any "concessions" in Hu Jia's case because Western countries would see this as a "sign of weakness." According to Kamm, Hu Jia is suffering in prison from life-threatening cirrhosis of the liver, due to hepatitis.

USG Actions to Date

¶4. (C) Ambassador Randt and other Embassy officers have raised Hu Jia's case with the MFA on numerous occasions since he was detained in December 2007. Secretary Rice raised Hu's case with Foreign Minister Yang Jiechi in Beijing on February 126.

¶5. (U) Immediately upon issuance of the verdict, the Embassy deployed Department-approved press guidance expressing USG dismay over today's verdict. The full press guidance is as follows:

Question: What is the U.S. Government's reaction to the verdict handed down against human rights activist Hu Jia?

Answer:

-- We are dismayed by the verdict of 3 1/2 years plus one year additional suspension of political rights announced today in the case of prominent Chinese human rights activist Hu Jia under the specious charges of "inciting subversion of state power."

-- Mr. Hu has consistently worked within China's legal system to protect the rights of his fellow citizens. These types of

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activities support China's efforts to institute the rule of law and should be applauded, not suppressed or punished.

-- Secretary Rice pressed Chinese Foreign Minister Yang Jiechi for Mr. Hu's immediate release during her February visit to China, and U.S. officials continue to take every opportunity to raise our concerns about Mr. Hu's case with Chinese officials at all levels, in both Beijing and Washington, DC.

-- In this Olympic year, we urge China to seize the opportunity to put its best face forward and take steps to improve its record on human rights and religious freedom.
RANDT